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Counsel for The Original Mowbray's Tree Service,  
Inc., Debtor and Debtor-In-Possession

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SANTA ANA DIVISION**

In re  
  
THE ORIGINAL MOWBRAY'S TREE  
SERVICE, INC., a Delaware corporation  
  
Debtor and  
Debtor-in-Possession.

Case No. 8:24-bk-12674-SC

Chapter 11

**STIPULATION AUTHORIZING USE  
OF CASH COLLATERAL**

**Hearing:**

**Date:** May 28, 2025

**Time:** 10:00 a.m.

**Place:** Courtroom 5C  
411 West Fourth Street  
Santa Ana, CA 92701

The Original Mowbray's Tree Service, Inc., the debtor and debtor-in-possession in the  
above-captioned case ("**Debtor**"), and PNC Bank, N.A. ("**PNC**" and together with the  
Debtor, the "**Parties**"), by and through their counsel, enter into this stipulation  
("**Stipulation**") and respectfully represent as follows:

**RECITALS**

A. On October 18, 2024, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

B. The Parties previously entered into a *Stipulation Authorizing Use of Cash Collateral* [Docket No. 255] (the "**Cash Collateral Stipulation**"), which was approved by order of this Court [Docket No. 268] (the "**Cash Collateral Order**"). The Cash Collateral Order authorized the Debtor to use cash collateral on a final basis on the terms and conditions of the Cash Collateral Stipulation in accordance with the budget attached thereto as Exhibit 2. Such budget ended April 18, 2025.

C. On April 8, 2025, the Debtor filed the *Debtor's Motion for Entry of Interim and Final Orders Authorizing Use of Cash Collateral* [Docket No. 394] (the "**Motion**").<sup>1</sup>

D. On April 23, 2025, the Court entered an order [Docket No. 421] (the "**April Cash Collateral Order**") approving a stipulation between the Parties that continued the hearing on the Motion to May 27, 2025 [Docket No. 419] and authorized the Debtor to use cash collateral in accordance with the terms set forth in the April Cash Collateral Order.

E. The Parties have reached an agreement on the Debtor's continued use of Cash Collateral on a final basis on the terms and conditions below.

**STIPULATION**

Based on the foregoing recitals, the Parties agree as follows:

1. The Debtor is authorized to use Cash Collateral in accordance with the budget attached hereto as **Exhibit 1** (the "**Revised Budget**") through and including the end of the period covered by the Revised Budget on the terms and conditions of the Cash Collateral Stipulation as such terms and conditions are modified by this Stipulation.

2. The terms and conditions set forth in the Cash Collateral Stipulation shall remain in effect except as expressly modified herein.

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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Cash Collateral Stipulation.

3. The Revised Budget shall be considered a "Budget" as such term is defined in the Cash Collateral Stipulation.

4. Paragraph 5 in the Cash Collateral Stipulation shall be replaced in its entirety with the following:

Milestones. The Debtor will comply with the following milestones (collectively, the "**Milestones**," and each, a "**Milestone**"):

- a. An order by the Court approving the Debtor's disclosure statement shall be entered by July 31, 2025; and
- b. An order by the Court confirming the Debtor's chapter 11 plan shall be entered by September 30, 2025.
- c. Each Milestone herein can be extended by mutual consent of the Debtor and PNC. In addition, each Milestone herein can be extended by the Debtor for up to 30 days in its sole discretion upon written notice to PNC's counsel.

5. The order entered in the Chapter 11 Case appointing an examiner shall not constitute an Event of Default.

DATED: May 23, 2025

**RAINES FELDMAN LITTRELL, LLP**

By: */s/ Robert S. Marticello*

Robert S. Marticello  
Michael L. Simon  
Attorneys for The Original Mowbray's  
Tree Service, Inc., Debtor and Debtor-in-  
Possession

1 DATED: May 23, 2025

K&L GATES LLP

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4 By: 

5 Michael B. Lubio  
6 Attorneys for PNC Bank, N.A.  
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# EXHIBIT 1

The Original Mowbray's Tree Service Inc. Weekly Cash Flow	Week 1 Ended 4/25/2025	Week 2 Ended 5/2/2025	Week 3 Ended 5/9/2025	Week 4 Ended 5/16/2025	Week 5 Ended 5/23/2025	Week 6 Ended 5/30/2025	Week 7 Ended 6/6/2025	Week 8 Ended 6/13/2025	Week 9 Ended 6/20/2025	Week 10 Ended 6/27/2025	Week 11 Ended 7/4/2025	Week 12 Ended 7/11/2025	Week 13 Ended 7/18/2025	13 Week Total
<b>Operating Receipts</b>														
Tree Service Collections	209,010	229,010	229,011	229,011	229,012	249,012	249,012	249,012	249,012	249,012	249,012	249,012	249,012	3,117,150
Pino/Phoenix Mgmt. Fees, Interest Income, Leases	228,375	188,810	188,810	188,810	188,810	188,810	226,635	226,635	226,635	226,635	226,635	226,635	226,635	2,758,870
Pino/Phoenix Line of Credit	61,250	61,000	61,000	61,000	61,000	61,000	61,250	61,250	61,250	61,250	61,250	61,250	61,250	795,000
<b>Total Receipts</b>	<b>498,635</b>	<b>478,820</b>	<b>478,821</b>	<b>478,821</b>	<b>478,822</b>	<b>498,822</b>	<b>536,897</b>	<b>536,897</b>	<b>536,897</b>	<b>536,897</b>	<b>536,897</b>	<b>536,897</b>	<b>536,897</b>	<b>6,671,020</b>
<b>Operating Disbursements</b>														
Salaries & Wages	170,607	170,346	170,423	170,568	170,627	170,576	175,317	175,037	175,159	175,211	175,444	175,321	175,247	2,249,883
Health Insurance	84,955	-	-	-	84,955	-	-	-	84,955	-	-	-	84,955	339,820
Worker's Comp	-	-	43,323	-	-	-	54,153	-	-	-	44,622	-	-	142,098
Union Dues	-	-	39,562	28,000	-	-	49,452	-	-	-	40,748	-	-	157,762
Occupancy	19,571	-	-	-	-	19,571	-	-	-	-	19,571	-	-	58,713
Insurance	872,322	-	-	58,292	416,965	-	-	-	-	416,965	-	-	-	1,764,544
Utilities	7,986	7,975	9,058	15,450	7,868	7,894	8,972	16,249	8,781	8,701	8,980	16,261	8,754	132,930
Repair and Maintenance	10,506	10,509	10,591	10,432	10,508	10,590	10,678	10,507	10,506	10,587	10,432	10,508	10,519	136,874
Office Supplies	5,512	5,766	5,538	5,563	5,574	5,594	5,862	5,635	30,632	5,569	5,782	5,569	48,571	141,167
Vehicles Expenses	131,175	41,237	41,173	41,253	41,393	41,277	41,419	41,557	41,719	41,767	41,929	41,365	41,386	628,651
OC Professionals	3,120	3,235	13,859	60,924	2,945	12,549	4,159	2,921	12,522	3,131	3,247	13,555	3,072	139,240
Tools and Supplies	48,495	48,466	48,462	48,463	48,419	48,425	48,431	48,436	48,441	48,446	48,451	48,455	48,454	629,843
Property Taxes - Real	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank Expenses	-	4,000	-	-	-	-	4,000	-	-	-	4,000	-	-	12,000
Other	11,388	11,387	11,486	11,592	11,706	11,828	11,959	12,099	12,248	12,410	12,572	11,739	11,784	154,199
<b>Total Operating Disbursements</b>	<b>1,365,638</b>	<b>302,920</b>	<b>393,474</b>	<b>450,537</b>	<b>800,962</b>	<b>328,305</b>	<b>414,403</b>	<b>312,440</b>	<b>424,963</b>	<b>722,786</b>	<b>415,779</b>	<b>322,774</b>	<b>432,742</b>	<b>6,687,724</b>
<b>Operating Cash Flow</b>	<b>(867,003)</b>	<b>175,900</b>	<b>85,347</b>	<b>28,284</b>	<b>(322,140)</b>	<b>170,517</b>	<b>122,494</b>	<b>224,457</b>	<b>111,934</b>	<b>(185,889)</b>	<b>121,118</b>	<b>214,123</b>	<b>104,155</b>	<b>(16,704)</b>
<b>Cumulative Operating Cash Flow</b>	<b>(867,003)</b>	<b>(691,103)</b>	<b>(605,757)</b>	<b>(577,472)</b>	<b>(899,612)</b>	<b>(729,095)</b>	<b>(606,601)</b>	<b>(382,144)</b>	<b>(270,210)</b>	<b>(456,100)</b>	<b>(334,982)</b>	<b>(120,859)</b>	<b>(16,704)</b>	<b>(16,704)</b>
<b>Financing</b>														
PNC Adequate Protection	-	150,000	-	-	200,000	350,000	-	-	-	-	350,000	-	-	1,050,000
Equipment Loans	1,000,423	143,535	26,245	50,444	15,885	27,986	122,938	54,991	20,756	14,249	134,992	23,998	51,879	1,688,323
Equipment Rentals	-	44,603	-	-	-	-	44,603	-	-	-	44,603	-	-	133,809
<b>Total Financing</b>	<b>1,000,423</b>	<b>338,138</b>	<b>26,245</b>	<b>50,444</b>	<b>215,885</b>	<b>377,986</b>	<b>167,541</b>	<b>54,991</b>	<b>20,756</b>	<b>14,249</b>	<b>529,595</b>	<b>23,998</b>	<b>51,879</b>	<b>2,872,132</b>
<b>Cash Flow After Financing</b>	<b>(1,867,427)</b>	<b>(162,238)</b>	<b>59,102</b>	<b>(22,160)</b>	<b>(538,025)</b>	<b>(207,470)</b>	<b>(45,047)</b>	<b>169,466</b>	<b>91,178</b>	<b>(200,139)</b>	<b>(408,477)</b>	<b>190,125</b>	<b>52,276</b>	<b>(2,888,837)</b>
<b>Cumulative Cash Flow After Financing</b>	<b>(1,867,427)</b>	<b>(2,029,665)</b>	<b>(1,970,563)</b>	<b>(1,992,723)</b>	<b>(2,530,748)</b>	<b>(2,738,217)</b>	<b>(2,783,265)</b>	<b>(2,613,799)</b>	<b>(2,522,621)</b>	<b>(2,722,760)</b>	<b>(3,131,237)</b>	<b>(2,941,112)</b>	<b>(2,888,837)</b>	<b>(2,888,837)</b>
<b>Restructuring Disbursements</b>														
Force Ten Partners (CRO)	203,503	75,000	-	-	-	-	75,000	-	-	-	75,000	-	-	428,503
Raines Feldman (Debtor's Counsel)	375,000	75,000	-	-	-	-	75,000	-	-	-	75,000	-	-	600,000
Grobstein Teeple	50,000	10,000	-	-	-	-	10,000	-	-	-	10,000	-	-	80,000
Examiner Fees	-	-	-	-	-	-	-	-	-	-	-	-	150,000	150,000
United States Trustee	58,149	-	-	-	-	-	-	-	-	-	-	-	-	58,149
<b>Total Restructuring Disbursements</b>	<b>686,652</b>	<b>160,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>160,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>160,000</b>	<b>-</b>	<b>150,000</b>	<b>1,316,652</b>
<b>Beginning Cash Balance</b>	<b>12,541,435</b>	<b>9,987,356</b>	<b>9,665,118</b>	<b>9,724,220</b>	<b>9,702,060</b>	<b>9,164,035</b>	<b>8,956,566</b>	<b>8,751,518</b>	<b>8,920,984</b>	<b>9,012,162</b>	<b>8,812,023</b>	<b>8,243,546</b>	<b>8,433,671</b>	<b>12,541,435</b>
<b>Net Change in Cash</b>	<b>(2,554,079)</b>	<b>(322,238)</b>	<b>59,102</b>	<b>(22,160)</b>	<b>(538,025)</b>	<b>(207,470)</b>	<b>(205,047)</b>	<b>169,466</b>	<b>91,178</b>	<b>(200,139)</b>	<b>(568,477)</b>	<b>190,125</b>	<b>(97,724)</b>	<b>(4,205,489)</b>
<b>Ending Cash Balance</b>	<b>9,987,356</b>	<b>9,665,118</b>	<b>9,724,220</b>	<b>9,702,060</b>	<b>9,164,035</b>	<b>8,956,566</b>	<b>8,751,518</b>	<b>8,920,984</b>	<b>9,012,162</b>	<b>8,812,023</b>	<b>8,243,546</b>	<b>8,433,671</b>	<b>8,335,946</b>	<b>8,335,946</b>

The Original Mowbray's Tree Service Inc. Weekly Cash Flow	Week 1 Ended 4/25/2025	Week 2 Ended 5/2/2025	Week 3 Ended 5/9/2025	Week 4 Ended 5/16/2025	Week 5 Ended 5/23/2025	Week 6 Ended 5/30/2025	Week 7 Ended 6/6/2025	Week 8 Ended 6/13/2025	Week 9 Ended 6/20/2025	Week 10 Ended 6/27/2025	Week 11 Ended 7/4/2025	Week 12 Ended 7/11/2025	Week 13 Ended 7/18/2025	13 Week Total
<b>Collateral Package</b>														
Cash	9,987,356	9,665,118	9,724,220	9,702,060	9,164,035	8,956,566	8,751,518	8,920,984	9,012,162	8,812,023	8,243,546	8,433,671	8,335,946	8,335,946
Accounts Receivable	2,998,855	3,018,855	3,038,855	3,068,855	3,098,855	3,108,855	3,118,855	3,128,855	3,138,855	3,148,855	3,158,855	3,168,855	3,178,855	3,178,855
FF&E (Net Book Value)	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343	334,343
Pledged Allen Street Property (net, non debtor)	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500	1,762,500
Pledged Sacramento Property (net, non debtor)	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
	16,583,055	16,280,817	16,359,919	16,367,759	15,859,734	15,662,264	15,467,217	15,646,682	15,747,860	15,557,722	14,999,245	15,199,369	15,111,645	15,111,645
<b>PNC Debt</b>														
Beginning	7,038,464	7,038,464	7,038,464	7,038,464	7,038,464	6,838,464	6,638,464	6,638,464	6,638,464	6,638,464	6,638,464	6,438,464	6,438,464	7,038,464
(+) Interest Principal	-	150,000	-	-	-	150,000	-	-	-	-	150,000	-	-	450,000
(-) Payments	-	(150,000)	-	-	(200,000)	(350,000)	-	-	-	-	(350,000)	-	-	(1,050,000)
Ending Balance	7,038,464	7,038,464	7,038,464	7,038,464	6,838,464	6,638,464	6,638,464	6,638,464	6,638,464	6,638,464	6,438,464	6,438,464	6,438,464	6,438,464
<b>Accounts Receivable Roll Forward</b>														
Accounts Receivable - Beginning Balance	2,988,855	2,998,855	3,018,855	3,038,855	3,068,855	3,098,855	3,108,855	3,118,855	3,128,855	3,138,855	3,148,855	3,158,855	3,168,855	2,988,855
(+) Sales - Tree Services	219,010	249,010	249,011	259,011	259,012	259,012	259,012	259,012	259,012	259,012	259,012	259,012	259,012	3,307,150
(+) Sales - Pino/Phx Mgmt. Fees, Interest Income, Leases	228,375	188,810	188,810	188,810	188,810	188,810	226,635	226,635	226,635	226,635	226,635	226,635	226,635	2,758,870
(-) Collections - Tree Services	(209,010)	(229,010)	(229,011)	(229,011)	(229,012)	(249,012)	(249,012)	(249,012)	(249,012)	(249,012)	(249,012)	(249,012)	(249,012)	(3,117,150)
(-) Collections - Pino/Phx Mgmt. Fees, Interest Income, Leases	(228,375)	(188,810)	(188,810)	(188,810)	(188,810)	(188,810)	(226,635)	(226,635)	(226,635)	(226,635)	(226,635)	(226,635)	(226,635)	(2,758,870)
Accounts Receivable - Ending Balance	2,998,855	3,018,855	3,038,855	3,068,855	3,098,855	3,108,855	3,118,855	3,128,855	3,138,855	3,148,855	3,158,855	3,168,855	3,178,855	3,178,855

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
4675 MacArthur Ct., Suite 1550, Newport Beach, CA 92660

**A true and correct copy of the foregoing document entitled (*specify*): STIPULATION AUTHORIZING USE OF CASH COLLATERAL**

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) May 23, 2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Kenneth J Catanzarite** kcatanzarite@catanzarite.com
- **Jessica L Giannetta** jessica@giannettaenrico.com, melanie@giannettaenrico.com
- **Marshall F Goldberg** mgoldberg@glassgoldberg.com, jbailey@glassgoldberg.com
- **Alan Craig Hochheiser** ahochheiser@mauricewutscher.com, arodriguez@mauricewutscher.com
- **Merdaud Jafarnia** bkca@alaw.net, mjafarnia@ecf.inforuptcy.com
- **Raffi Khatchadourian** raffi@hemar-rousso.com
- **Valery Lomber** valloumlegal@gmail.com
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- **James MacLeod** jmacleod@dunninglaw.com, nancy@dunninglaw.com
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- **David W. Meadows** david@davidwmeadowslaw.com
- **Karen S. Naylor** Becky@ringstadlaw.com, Karen@ringstadlaw.com; Arlene@ringstadlaw.com
- **Queenie K Ng** queenie.k.ng@usdoj.gov
- **Estela O Pino** epino@epinolaw.com, staff@epinolaw.com; clerk@epinolaw.com
- **Donald W Reid** don@donreidlaw.com, 5969661420@filings.docketbird.com
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- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **Sharon Z. Weiss** sharon.weiss@bclplaw.com, raul.morales@bclplaw.com, REC\_KM\_ECF\_SMO@bclplaw.com, sharon-weiss-7104@ecf.pacerpro.com
- **Jennifer C Wong** bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com
- **Mandy Youngblood** csbk@gmfinancial.com
- **Roye Zur** rzur@elkinskalt.com, lwageman@elkinskalt.com; 1648609420@filings.docketbird.com; rzur@ecf.courtdrive.com

☐ Service information continued on attached page



**2. SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on May 23, 2025, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Scott C. Clarkson  
United States Bankruptcy Court  
411 West Fourth Street, Suite 5130  
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/23/2025  
Date

Bambi Clark  
Printed Name

/s/ Bambi Clark  
Signature